

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

Charles Pappas,

Debtor

Chapter 13
Case No. 18-20179

ORDER SCHEDULING TRIAL AND SETTING RELATED DEADLINES

On March 7, 2019, the Court conducted a pretrial conference on confirmation of the debtor's plan and the objections to confirmation filed by the trustee and Ms. Parris. During that conference, the Court established certain deadlines to govern the further conduct of pretrial proceedings and set a date for trial in this contested matter. As set forth on the record of the pretrial conference, the Court hereby orders that:

1. The debtor must file an accurate and complete amended Statement of Financial Affairs on or before March 14, 2019. If the debtor neglects this deadline in any respect, the case will be converted or dismissed without further notice or hearing.
 - a. Ms. Parris and the trustee are authorized to conduct an additional deposition of the debtor, with any inquiry limited to the information disclosed on a timely filed amended Statement of Financial Affairs.
 - b. With the exception of the amended Statement of Financial Affairs due on March 14, 2019, the debtor may only file further amended or supplemental schedules or statements after notice and a hearing, with leave of Court.
2. Confirmation of the debtor's Chapter 13 Plan [Dkt. No. 4] is hereby set for trial on June 10, 2019, at 9:30 a.m. at the U.S. Bankruptcy Court at 202 Harlow Street, Bangor, Maine. The only legal issues for determination at trial are:
 - a. Whether the debtor's plan "has been proposed in good faith and not by any means forbidden by law" as required by 11 U.S.C. § 1325(a)(3);
 - b. Whether the debtor "will be able to make all payments under the plan and to comply with the plan" as required by 11 U.S.C. § 1325(a)(6);

- c. Whether “the action of the debtor in filing the petition was in good faith” as required by 11 U.S.C. § 1325(a)(7); and
 - d. Whether the plan meets the requirements of 11 U.S.C. § 1325(b).
- 3. No later than June 3, 2019, the parties must file the following documents with the Court:
 - a. a stipulation of undisputed facts;
 - b. a list of each party’s proposed witnesses (except for witnesses who may be called solely for impeachment purposes); and
 - c. a list of each party’s exhibits (except for exhibits which may be offered for impeachment or rebuttal purposes).

If a party fails to file these witness and exhibit lists in a timely manner and later attempts to offer evidence not previously disclosed in accordance with this order, the Court may exclude such evidence at trial.

- 4. At the beginning of trial, the parties must jointly provide the Court with all exhibits that may be admitted in evidence without objection. These exhibits must be contained in a binder (or a set of binders). This order does not require that the parties agree to the admission of any exhibit or exhibits; it does require the parties to make a reasonable, good faith effort to discuss exhibits in advance of the trial. Exhibits that are subject to, or that may be subject to, objection must not be included in the binder(s). The parties are responsible for providing three identical binders or identical sets of binders (two working copies for the Court, and one copy for the witnesses which will become part of the record of the proceeding). The binder(s) must contain a table of contents that identifies the exhibit by its marking (*e.g.*, “Joint Exh. #1”) with a short description of the exhibit (*e.g.*, “Promissory Note dated October 1, 2020”). In addition to these binders or sets of binders, the parties are responsible for bringing sufficient copies of all other exhibits for the Court, the witness(es), and opposing counsel. These should be marked for identification, using a system that clearly identifies each party’s intended exhibits.

Dated: March 8, 2019



Michael A. Fagone
United States Bankruptcy Judge
District of Maine